

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 4:11CR03
	§	(Judge Schell)
ARTURO CAVAZOS-DELUNA (2)	§	

ELEMENTS OF THE OFFENSE

TO THE HONORABLE RICHARD SCHELL, UNITED STATES JUDGE FOR THE
EASTERN DISTRICT OF TEXAS:

18 U.S.C. § 1956(h) makes it a crime to conspire with someone else to conduct and attempt to conduct financial transactions affecting interstate and foreign commerce and to transport, transmit, or transfer, or attempt to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States which involves the proceeds of a specified unlawful activity. A "conspiracy" is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of "partnership in crime" in which each member becomes the agent of every other member.

The elements of conspiracy are:

First: That two or more persons, directly or indirectly, reached an agreement to commit the crime charged in the Superseding Indictment which is an agreement to willfully and unlawfully conspire and agree with each other and with persons known and unknown to the Grand Jury to commit offenses against the United States in violation of 18 U.S.C. § 1956(a)(1)(B)(I), that is, to knowingly conduct and attempt to conduct financial

transactions affecting interstate or foreign commerce, which transactions involved the proceeds of a specified unlawful activity

Second: That the defendant knew of the unlawful purpose of the agreement; and

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose and committed an act in furtherance of the conspiracy.

Fourth: That the defendant committed an act in furtherance of the conspiracy.

Respectfully submitted,

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/s/
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Certificate of Service

I hereby certify a true and correct copy of the foregoing was served by electronic filing by CM/ECF to defendant's attorney on this the 8th day of February, 2012

/s/ _____
Heather Rattan